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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Kevin M. Patfield
TITLE : PRESENCE DETECTION FOR IP
TELEPHONY
APPLICATION NO. : 10/714,201
FILED : November 14, 2003
CONFIRMATION NO. : 2661
EXAMINER : Creighton H. Smith
ART UNIT : 2645
LAST OFFICE ACTION : June 3, 2005
ATTORNEY DOCKET NO. : LUTZ 2 00227
Case Name/No. Patfield 3

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby appeals to the Board from a decision of the primary Examiner mailed **June 3, 2005** finally rejecting claims 1-5, 7-11, 13, 14, 16 and 18. A Pre-Appeal Brief Request for Review is being filed herewith.

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

☒ This application is on behalf of other than a small entity.

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

☒ other than a small entity \$500.00

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3. **EXTENSION OF TERM**

☐ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a _____-month extension of time up to and including _____ in which to file the accompanying Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card. The appropriate form PTO-2038 is enclosed for this purpose. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

4. **TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$500.00
 Extension of Time Fee: \$.00

5. **METHOD OF PAYMENT**

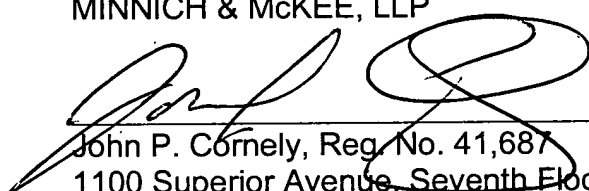
☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

FAY, SHARPE, FAGAN,
 MINNICH & McKEE, LLP

September 6, 2005

Date


 John P. Cornely, Reg. No. 41,687
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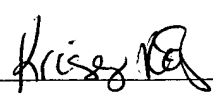
CERTIFICATE OF MAILING

I certify that this Notice Of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.

☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature 
Date September 6, 2005	Printed Name Krisey Riley